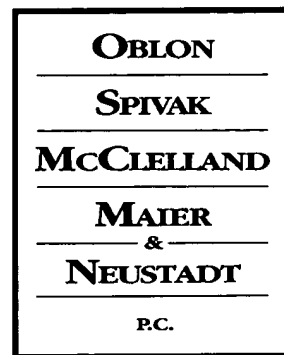




Docket No.: 248269US2

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 10/767,373

Applicants: Minoru TAKAYA, et al.

Filing Date: January 30, 2004

For: INDUCTANCE ELEMENT, LAMINATED
ELECTRONIC COMPONENT, LAMINATED
ELECTRONIC COMPONENT MODULE AND
METHOD FOR PRODUCING THESE ELEMENT,
COMPONENT AND MODULE

Group Art Unit: 2832

Examiner: NGUYEN, T. T.

SIR:

Attached hereto for filing are the following papers:

RESTRICTION/ELECTION RESPONSE

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Gregory J. Maier

Registration No. 25,599

Customer Number

22850

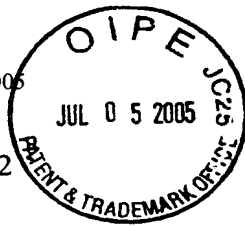
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Raymond F. Cardillo, Jr.

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DOCKET NO: 248269US2

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
MINORU TAKAYA, ET AL. : EXAMINER: NGUYEN, T. T.
SERIAL NO: 10/767,373 :
FILED: JANUARY 30, 2004 : GROUP ART UNIT: 2832
FOR: INDUCTANCE ELEMENT, :
LAMINATED ELECTRONIC
COMPONENT, LAMINATED
ELECTRONIC COMPONENT MODULE
AND METHOD FOR PRODUCING THESE
ELEMENT, COMPONENT AND MODULE

RESTRICTION/ELECTION RESPONSE

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement in the Official Action mailed June 3, 2005, Applicants elect, with traverse, Group I, Claims 1-6 drawn to an inductance element and reading on the Species of Embodiment 1 depicted in Fig. 1A for further examination on the merits in the present application.

In addition to making this provisional election, Applicants further respectfully traverse this Requirement for the reason that the inventions of Groups I and II, Groups I and III, and Groups II and III, for example, have not been shown to be either independent and/or distinct as required by the Statute and the Rules. Similarly, the basis for finding Groups IV-VI to be independent and/or distinct from one another has not been set forth.

Moreover to the extent that it has been suggested that FIG. 1A and FIG 9A, for example, represent species, merely asserting that theses clearly related inventions are

somehow independent makes no sense as they both include an inductive element such that they are not mutually exclusive embodiments. In this regard, the sharing of the inductive element as between FIGS 1A and 9A establishes the combination of FIG 9A, for example, is related to the subcombination of FIG. 1A, for example. Clearly, embodiments that have been disclosed to have a combination-subcombination relationship do not constitute mutually exclusive species. MPEP §806.04(f) requires mutually exclusive embodiments to be the basis of a proper Election of Species Requirement.

Moreover, under these circumstances, even if it could somehow be shown that FIG. 1A and FIG 9A are "species," the fact still remains that the combination of FIG 9A, for example, is related to the subcombination of FIG. 1A, for example. Such a relationship requires that the PTO must establish that the subcombination of FIG. 1A is "distinct" from the combination of FIG 9A, for example, using the criteria set forth in MPEP § 806.05(c), see MPEP §806.04(b). Also, the appropriate MPEP §808.02 reason (A, B, or C) for insisting on restriction must be demonstrated.

Finally, this Requirement is further traversed because it also has failed to evidence any serious examination burden in terms of searching and examining all of Claims 1-19 together.

MPEP § 803 states:

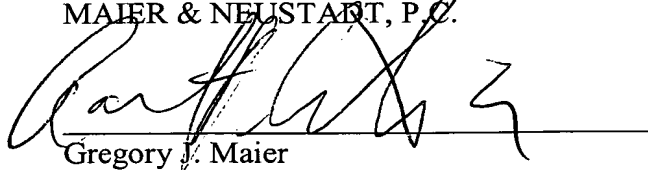
If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area. Accordingly, Applicants respectfully traverse the outstanding Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Accordingly, an action on the merits unto all pending claims is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

A handwritten signature in black ink, appearing to read 'Gregory J. Maier', is written over a horizontal line.

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GJM:RFC:ZSS/dnf

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